BEFORE THE ALASKA OFFICE OF ADMINISTRATIVE HEARINGS ON REFERRAL BY THE COMMISSIONER OF HEALTH AND SOCIAL SERVICES

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In the Matter of

UW

OAH No. 13-0035-MDS Agency No.

DECISION

I. Introduction

U W is a minor who receives Medicaid benefits. He requested prior authorization for a wheelchair, including several modifications to that chair. The Division of Health Care Services (division) approved most of the request, but denied authorization for Frame Protectors. U' father, K W, appealed that denial.

A hearing was held on February 4, 2013. Mr. W appeared by telephone on behalf of his son U. Gerry Johnson appeared by telephone and served as the division's lay representative. While asking questions of the division's witness, Mr. W decided to terminate his participation. He thanked everyone for their time and hung up his telephone.

Based on the information in the record, the division's determination that the Frame Protectors were not medically necessary is upheld.

II. Facts

An equipment Purchase Evaluation from Seattle Children's Hospital explains U' need for a wheelchair, and for each modification.¹ For the Frame Protectors, the only justification stated was "U requests these."² A Certificate of Medical Necessity explains why U needs this particular type of wheelchair with modifications.³

The division, through its contractor, issued a Notice of Denial on December 12, 2012.⁴ The denial only denied the Frame Protectors. Mr. U appealed that determination.⁵

III. Discussion

Under the Medicaid program, the division pays for durable medical equipment if it is medically necessary "as determined by criteria established under 7 AAC 105 – 7 AAC 160

¹ Exhibit E 10 & E 11.

² Exhibit E 11. Stephanie Purcell-Reynolds, testifying on behalf of the division, stated that the Frame Protectors is a neoprene covering over parts of the frame extending from the seat to the front wheels.

³ Exhibit E 7 ⁴ Exhibit D 1

⁴ Exhibit D 1.

⁵ Exhibit C 1.

or by the standards of practice applicable to the provider."⁶ The division does not pay for a service that is "not reasonably necessary for the diagnosis and treatment of an illness or injury, or for the correction of an organic system, as determined by the department."⁷ Prior authorization is required for customized durable medical equipment,⁸ and for any item on the Department's August 2005 *Durable Medical Equipment Prior Authorization List.*⁹ The *Durable Medical Equipment Prior Authorization List*.⁹ The wheelchair appears to meet the definition of customized durable medical equipment. The wheelchair has been substantially modified to meet U' needs and is sufficiently different from other wheelchairs that pricing comparisons would not be possible.¹⁰

There is no dispute that U' customized wheelchair is medically necessary. The question in this case is whether one specific modification – the addition of Frame Protectors – is medically necessary. The record establishes medical necessity for the other modifications to U' chair. For example, side guards were included because they protect skin and clothing from being caught in the wheels.¹¹ There is, however, no statement or indication in the record for why the Frame Protectors are medically necessary. There may be many reasons why the owner of a wheelchair might want these items, ¹² but unless there is a reason related to a *medical* need, the division may not authorize payment for that equipment.

IV. Conclusion

Mr. W has not shown that there is a medical need for Frame Protectors on U wheelchair.¹³ Accordingly, the division's determination is upheld.

Dated this 6th day of February, 2013.

<u>Signed</u> Jeffrey A. Friedman Administrative Law Judge

 10 See 7 AAC 120.299(2) & (3) (definitions of durable medical equipment and customized durable medical equipment).

Exhibit E 3 & E 11.

⁶ 7 AAC 105.100(5).

⁷ 7 AAC 105.110(1). ⁸ 7 AAC 120.210(1)(4)

⁸ 7 AAC 120.210(b)(4).

⁹ 7 AAC 120.210(b)(7); 7 AAC 160.900(d)(4) (adopting prior authorization list by reference).

¹² For example, the Frame Protectors might extend the life of the wheelchair, thereby reducing the need to replace it as often as might otherwise be required.

¹³ Mr. Johnson stated during the hearing that Mr. W could submit additional information to the division at any time, and that the division would reconsider whether the Frame Protectors were medically necessary.

Adoption

The undersigned, by delegation from of the Commissioner of Health and Social Services, adopts this Decision, under the authority of AS 44.64.060(e)(1), as the final administrative determination in this matter.

Judicial review of this decision may be obtained by filing an appeal in the Alaska Superior Court in accordance with Alaska R. App. P. 602(a)(2) within 30 days after the date of this decision.

DATED this 21st day of February, 2013.

By: <u>Signed</u>

Name: Jeffrey A. Friedman Title: Administrative Law Judge

[This document has been modified to conform to the technical standards for publication.]